

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 5, 7-9, 11, 12, 14-24, and 26-30 are pending in this application, Claims 1, 5, 8, 12, 14-18, 22, 24, and 26-28 having been currently amended; and Claim 31 having been canceled without prejudice or disclaimer. Support for amended Claims 1, 5, 8, 12, 14-18, 22, 24, and 26-28 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 1, 3-5, 7, 8, 10-12, 14-24, and 26-30 were rejected under 35 U.S.C. §102(b) as anticipated by Hill et al. (U.S. Patent No. 6,236,981; hereinafter “Hill”); Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Hill in view of Van Berkel et al. (U.S. Patent Publication No. 2002/0190964; hereinafter “Van Berkel”); and Claim 31 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Millikan et al. (U.S. Patent Publication No. 2003/0069929; hereinafter “Millikan”).

In response to the rejections under 35 U.S.C. §§ 102(b) and 103(a), Applicants have amended independent Claim 1 to recite features formally of Claim 31. Applicants respectfully submit that Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 is directed to an information processing device including, *inter alia*:

...presenting means for presenting by wireless communication user information to be read or changed by a music reproduction device, said user information includes music preference information indicating music preferences of said user, and said user information is updated on a basis of a history of use of contents provided from said music reproduction device;

¹ See page 74, line 10 to page 82, line 15 of the specification.

specifying means for specifying permission to read or change the user information presented by said presenting means;

identifying means for identifying said music reproduction device;

storing means for storing the user information read or changed by said music reproduction device identified by said identifying means in association with said music reproduction device; and

communicating means for transmitting said user information by quasi-electrostatic field communication, electromagnetic wave communication, or optical communication directly between said information processing device and said music reproduction device,

wherein said preference information is transmitted to said music reproduction device, and said music reproduction device is configured to select music and reproduce said music based on said music preference information.

Independent Claims 12, 14, 15, 24, and 26-28 recite substantially similar features as Claim 1. Thus, the arguments presented below with respect to Claim 1 are also applicable to Claims 12, 14, 15, 24, and 26-28.

Page 12 of the outstanding Office Action, in the rejection of former Claim 31, acknowledges that Hill “does not teach information being music preference information and said other information device is a music reproduction device that is configured to reproduce music based on said music preference information.” However, page 12 of the outstanding Office Action asserts that Milikan “teaches sending music information wirelessly across a network for music information and playing [0015].” Applicants respectfully submit that the cited references fail to teach or suggest “said preference information is transmitted to said music reproduction device and said music reproduction device is configured to ***select music and reproduce said music based on said music preference information,***” as recited in Applicants’ Claim 1.

Millikan is directed to a method and apparatus for allowing a user to access music information services for use with a portable CD player.² Millikan also describes that when a user places a CD into a wireless portable CD player, the user will be able to receive information regarding the CD from a music information service.³ Paragraph [0015] of Millikan states:

As discussed above, modem 80 allows computer system 60 to connect to network 45. Music information service computer system 60 is also communicatively connected to network 45. Music information service computer system includes a server 50 and a database 55. Server 50 is any computer system suitable for receiving and transmitting data across network 45 and receiving and transmitting data to database 55. Database 50 may be a storage device or collection of storage devices suitable for storing data. Accordingly, a data request may be sent from CD player 15, across wireless network 20 to computer system 30. Computer system 30 relays this data request to music information service computer system 60 across network 45. Server 50 receives this data request and accesses data from database 55 in accordance with the request. The information may then be transmitted from server 50 to CD player 15 and displayed to the user on display 65.

Paragraph [0016] of Millikan describes that when a user places a CD into the CD player 15, the user may then request to view the meta-data associated with the CD, e.g., artist name, track title, song length, as so forth, and other information related to the CD. However, in Millikan, the data that is sent from the database 55 to the CD player 15 is merely data that is associated with the CD such as the artist name, title of tracks, etc., and is not music preference information *of the user* that is updated based on the history of the use of contents of the music reproduction device. In addition, Millikan does not describe that the CD player selects music and reproduces music based on the CD meta-data that is transmitted to the CD player 15. In contrast, in Applicants Claim 1, when the preference information is transmitted to the music reproduction device, the music reproduction device selects music and reproduces

² See paragraph [0004] of Millikan.

³ See paragraph [0006] of Millikan.

the music based on the music preference information that is transmitted from the information processing device by quasi-electrostatic field communication, electromagnetic wave communication wave, or optical communication directly to the music reproduction device.

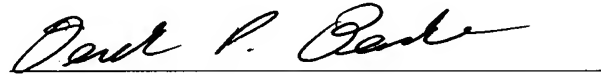
Thus, Applicants respectfully submit that independent Claims 1, 12, 14, 15, 24, and 26-28 (and all claims depending thereon) patentably distinguish over Hill in view of Millikan. Further, Applicants respectfully submit that Van Berkel fails to cure any of the above-noted deficiencies of Hill and Millikan.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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